

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

V.

ORVIL DUANE HASSEBROCK,

Defendant.

Case No.: **09-cr-30080-MJR**

ORDER

REAGAN, District Judge:

This matter is before the Court relative to the status of funds posted with the Clerk of Court by Defendant Orvil Duane Hassebrock. On May 4, 2010, Hassebrock posted \$10,000.00 security on his bond. On September 30, 2010, judgment and conviction were entered; defendant was ordered to pay a special assessment of \$125.00, a \$74,000.00 fine, and to pay the Internal Revenue Service \$997,582.19 in restitution. According to the Clerk of Court, to date, Hassebrock has paid the full special assessment, and \$233,147.21 in restitution, and nothing toward the fine.

By Order dated January 13, 2011, Defendant Hassebrock was directed to show cause by January 28, 2011, why the \$10,000.00 posted should not be ordered applied toward any outstanding amounts owed on the aforementioned assessment, restitution and fine. The Court also indicated a willingness to entertain input from the United States, or defense counsel, who had a role in the posting of the funds at issue. Defendant Hassebrock did not file a response to the Order to Show Cause, nor did his attorney or the United States elect to address the issue.

“The requirement of posting cash bail bond has a dual purpose: to increase the cost to the defendant of failing to appear for trial, and to provide security for the payment of costs and

finer in the event of conviction” *Ward v. U.S.*, 845 F.2d 1459, 1461-1462 (7th Cir. 1988). Moreover, a judgment creates an automatic lien, enforceable against any and all property of the defendant. 18 U.S.C. §§ 3613(a) and (f). Payment of any amount of outstanding restitution shall be given priority over any outstanding portion of the fine. *See generally* 18 U.S.C. § 3572(b) (fine not to impair ability to pay restitution).

IT IS HEREBY ORDERED that the Clerk of Court shall apply the \$10,000.00 posted by Defendant Hassebrock on May 4, 2010, toward any outstanding amounts owed on the aforementioned restitution and fine. The bond funds shall be applied first toward any restitution owed, before being applied to the fine.

IT IS SO ORDERED.

DATED: April 29, 2011

s/ Michael J. Reagan
MICHAEL J. REAGAN
UNITED STATES DISTRICT JUDGE